



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, October 18, 2016
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

ZBA Members: Alicia DiBenedetto-Neubauer
Tom Fabiano
Dan Roszkowski
Scott Sanders
Craig Sockwell
Melissa Beckford
Kimberly Johnsen

Absent:

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer - Assistant City Attorney
Marcy Leach - Public Works
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Tim Morris - Fire Department

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 24, 2016, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 7:10 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes from the September meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Tom Fabiano abstaining.

016-LTAB-017

Applicant
Ward 01

2990 North Perryville Road

Nicholas Castrogiovanni / Baci Ristorante Inc d/b/a Baci's

Sale of beer and wine in conjunction with a restaurant and gaming

Sale of beer and wine in conjunction with an outside seating area in a C-1,
Limited Office Zoning District

The subject property is located just south of the southwest corner of Olde Creek Road and Perryville Road and is currently a vacant restaurant, the former Perry Rock. Nicholas Castrogiovanni, Applicant, reviewed his requests. He explained that the parking lot is on the west side of the building and there will be no outside dining in that area.

Attorney Hammer asked what his percentage of gaming revenue would be and Mr. Castrogiovanni stated he did not know at this time. He stated he would have at least 50% alcohol sales. The Applicant further stated he has had an opportunity to review Staff conditions 1-12 and agrees to comply with those conditions.

Staff Recommendation is for Approval of both items with 12 conditions. Objectors or Interested Parties were present.

Charles Romenesko stated this location is more than a mile away from his house; however he expressed concerns that this use fit the definitions of the C-1 zoning district. He feels if this proposal is in the intent of the C-1 definitions he has no objections at this time.

Deborah Beard was present as an Objector and stated her rear yard backs up to the parking lot area. She expressed that they did not have a good experience with the previous tenant, Perry Rock. She is agreeable with the proposed hours of 7:00 AM to 9:00 PM as presented by the Applicant, but is concerned that these hours of operation could be changed from what is currently requested. She feels if these hours are consistent, and based on their venue, this proposal could be a good operation for the area. Attorney Hammer explained to Ms. Beard that the hours could be changed without notification to the neighbors. However, she advised Ms. Beard that she could contact her Alderman so that he is aware of her concerns prior to final City Council vote on November 7th.

Bob Jakeway stated he lives in the condominiums at the far south end near this location. The first two establishments in this building were operated okay, but when Perry Rock came in it was a totally different situation. He asked if the Applicant wished to sell liquor in the future, would the adjacent property owners be made aware. It was explained to Mr. Jakeway that the application before the Board this evening is only for beer and wine. Should they wish to change that to a full liquor license they would need to return to the Board and adjacent owners would be notified. Mr. Jakeway stated he feels if the conditions of approval as listed by Staff are upheld by the applicant, the Condo Association would not have any objections.

Mr. Romenesko asked for qualifications on the percent requirement. It was explained that at least 50% revenue must be food, alcohol or merchandise sales. Attorney Hammer further explained there is a monitor system in place that would allow them to verify that the majority of their revenue is not from gaming.

Kim Johnson asked the applicant if he intended to have gaming. Mr. Castrogiovanni stated he was undecided at this time. Attorney Hammer clarified that should he wish to add gaming to the establishment, this is not something that would come through the City. He would be required to file an application for gaming with the State of Illinois. The State of Illinois requires that liquor license must be held in order to have gaming machines.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of beer and wine in conjunction with a restaurant and gaming and **APPROVE** the sale of beer and wine in conjunction with an outside seating area in the name of Nicholas Castrogiovanni / Baci Ristorante Inc. d/b/a Baci's in a C-1, Limited Office Zoning District with an amendment to condition 7 to read "dance floor". The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

- 1 Meet all applicable Building and Fire Codes
- 2 Compliance with all City of Rockford Liquor Codes
- 3 The sale of beer and wine shall be in conjunction with a restaurant
- 4 The hours of operation will be limited to 7:00 AM to 9:00 PM Monday through Sunday
- 5 The restaurant shall be limited to 80% food and 20% beer and wine sales as indicated in Business Plan Exhibit G
- 6 The restaurant shall not have a cover charge
- 7 The restaurant shall not have a dance floor
- 8 The restaurant shall not have any DJs
- 9 Live entertainment at the restaurant, including the outside patio is limited to acoustic bands of three or less members
- 10 The sale of liquor is limited to Suite 100 and adjacent east side patio; any future expansion will require a modification of the liquor license
- 11 The two tax identification parcels for this property shall be combined into one tax parcel
- 12 All conditions must be met prior to the establishment of the use

With no further business to come before the Board, the meeting was adjourned at 7:30PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board